

National Security, Emerging Threats, and International Relations

Son Michael Pham

Testimony before the House Government Reform Subcommittee

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Mr. Chairman and members of the committee – I am honored to appear before you today along with several families of victims of the cruise industry, to speak on the issues of cruise ship safety, security, and accountability.

I would like to start out by saying that I am not an expert on safety and security issues aboard cruise ships however I am much more educated today than I was before May 2005. Unfortunately for my family, it's too late to prevent what happened to us. But I know by being here today, it's not too late for me to help others from becoming victims like all of us.

I am the son of Mr. Hue Pham and Mrs. Hue Tran, 71 years old and 67 years olds respectively at the time of their deaths. My parents would have celebrated their 50th wedding anniversary this year. Mom and Dad were retired and lived in the City of Westminster, California. This area in Orange County, California is known as 'Little Saigon', home of the largest population of Vietnamese Americans in the U.S. They lived the best time of their lives in this community, surrounded by so many friends. A typical day for Mom and Dad would consist of a trip to the local grocery store where they could find any type of Vietnamese food, visiting with friends and neighbors, cooking (they both loved cooking), tending to their large garden, or participating in events at the community center in their senior park. At least once or twice a week, they would gather with friends over dinner or card games.

Mom and Dad were the only family members in the area to provide comfort for our grandfather (my mother's father) living in a nearby nursing home. I am the oldest of the five children, and there are nine grandchildren in the family. Mom and Dad helped raise most of the grandchildren, and these kids are very close to Grandma and Grandpa.

More than thirty years ago, my parents and five of us left South Viet Nam on the day before Saigon City fell to the communists. We risked our lives spending two weeks in the Pacific Ocean with little food and water, so that we could live in freedom. We came to the U.S with nothing, and worked hard for everything we have today. As American citizens, we obey the rules and laws of the country, we cherish our freedom, and we trust the justice system to protect our rights.


Last May 2005, all of the children treated Mom and Dad to a vacation, a trip to Chicago to visit the grandchildren followed by a seven-day Caribbean cruise,

then back to Chicago for two more weeks with the grandkids. The cruise was a 'Mother's Day' gift, traveling with their daughter and granddaughter. On May 12, 2005, my parents vanished from the Carnival Destiny when the ship was sailing between the islands of Barbados and Aruba. The 'Mother's Day' gift cruise turned into another tragic and mysterious disappearance from a Carnival Cruise Line (CCL) ship.

On the evening of May 12, 2005, a ship photographer reported that she noticed personal belongings by lounge chairs on the third deck, two pair of sandals and a purse. The family hung out regularly in this same area, lounging on the chairs and Mom and Dad would leave their sandals and personal belongings on the chairs or deck between them. A crew member retrieved the found items, notified the Assistant Chief of Security and was told to log the items and phone the room. Thirty minutes later, the other family members came back to their cabin and received the phone call from the front desk to retrieve the found items. They then realized something unusual had happened and alerted the crew members.


Following our parents' disappearance, it took almost three hours later before the first general announcement was made over the public speakers. The crew waited for over 4 hours before notifying the U.S Coast Guard... and allowed the ship to further distance itself from the location, where our parents were originally reported missing. Too much time had elapsed between the U.S. Coast Guard notification and the first search and rescue from the Netherlands Coast Guard. Under the direction of the U.S Coast Guard to participate in the search mission, it still took more than 12 hours for the "Destiny" vessel to return to the original location. The full search and rescue mission was called off in less than 13 hours from the presumed time of our parents' disappearance, based on the information provide by the ship's Captain to the Coast Guard that survivability was very low.

We believe there is more detailed information on our parents' cause of death, than what is actually being released by CCL. Four hours went by before the Security and Surveillance on-duty investigator was contacted, then an additional thirty minutes went by before he contacted the FBI. The full ship search was concluded seven hours after the personal belongings were found. The area where the personal belongings were found was left unprotected for 7 hours until the FBI requested the crew to seal off the area. The search was conducted based on the information that my parents were last seen by other family members at 7:20pm. Then 11 and half hours later, the cabin housekeeping attendant reported to the captain that he actually saw my parents at 8:45pm. This is one of the several examples of a failed emergency system. The immediate actions taken by the cruise staff were acts of negligence and cover-ups. They were more focused on planning the next day's shore activities in St. Maarten (replacement for Aruba), then protecting crucial information and evidence pertaining to 2 of their missing passengers... Our parents!



The FBI did meet the ship when it arrived in St. Maarten, just to interview some crew members and family members. No passenger was questioned and passengers walked off the ship for shore excursion at the same time the FBI agents boarded the ship. Two days after the incident, Carnival Cruise Line's "Destiny" arrived at its' final destination in San Juan, Puerto Rico. Flyers were handed out during the chaos as passengers cleared immigration. Late in August 2005, the FBI notified us that they concluded their investigation and no sign of foul play was found. Two American citizens, with no personal or financial problems, no serious health problems, living the happiest time of their lives, both vanished without a trace or witness.

Since my family members disembarked in San Juan at the end of the seven-day cruise, Carnival Cruise Lines has refused to accept our requests for assistance or provided us with any information related to our case. The arrogant 'business as usual' attitude by Carnival Cruise Lines is the normal 'take no responsibility' reaction of the world's largest cruise company, accounting for more than half of the world's cruise industry travelers. It's important to note that the majority of their passengers are citizens of the United States of America.




I know that you will find many recommendations made today on what need to be changed in the way the cruise industry operates. These recommendations came from many victims and families of victims since a small group of us founded the International Cruise Victims organization. Unfortunately, none of the time and efforts spent here will improve any safety and security measurements for the traveling public until the cruise industry admits that there are problems on their ships and they way they operate. Currently, this is an industry which is allowed to operate outside of the boundaries of the U.S laws.


The current 'Death On The High Seas Act' (DOHSA), a 1920s law enacted by the U.S Congress, and which is still in effect, has complicated jurisdictional issues surrounding the following:

1. foreign-registered ships owned and/or operated by foreign-registered companies,
2. sailing in international waters, and
3. crossing territories and borders of countries.

This law has continued to protect the cruise industry from being held accountable for the safety and security of its passengers. It's time for our government to bring the DOHSA to the 21st century.



Today, my 94 year old grandfather still lives in the nursing home in Westminster, California. I am not sure he knows what happened to his children; he cannot speak or move. I fought through our government system so that my family does not have to wait for five years before we get the 'death certificates' for my parents. Last November, my parents would have traveled with me back to Viet



Nam for their very first time in thirty years. They were so much looking forward to this trip when they would have seen their relatives that they last saw before Saigon fell to the communists. The trip was one of "unfinished life business" when they did not come back home from the cruise last May. In two months from now, our family will gather together for Mother's Day, marking the one year anniversary of the loss of our parents and grandparents. I know for all of us, Mother's Day will never be the same again.

I am sure that my parents are with me here today. They always want me and my brothers and sister to do the right things, to help others. I hope by sharing our story with all of you, it is the right thing to do.

Thank you for allowing me to participate in this hearing and I trust that all of us here today can work toward better protecting the traveling public.

Respectfully submitted,

Son Michael Pham
Sammamish, Washington

